

very much for his comments and his help on the bill thus far.

He made a great point about the future in terms of investment and the infrastructure. This bill would have encouraged that. That is just one item.

There is an ancient piece of legislation called PUCHA, and it would have been repealed. People have been saying it should have been repealed for decades. It makes it hard to get the kind of investment in this industry that most industries can get. We finally repealed it this year. It was stuck in the mud of an ancient bill. We are scared to let money get invested in utilities and utility investment in business.

Everywhere you looked there were things to be fixed. That is why it is a big bill.

There is an issue, Senator, regarding the MTBE, the substance approved by the United States Government as an oxidizer for gasoline. There is no question Senators brought issues with reference to it to the attention of the Senate. We have to take a look at that with the House because the Senate has many Members who are worried about that issue. We know we get no bill or we take that in conference.

I hope the House will look at that in January because when this bill dies, there is no protection for the producers of MTBE. When it dies, the hold harmless clause that we put in—and we can sit around a table and with enough time we can convince almost anyone that they are not so bad as some implied. That is a major issue that will have to be looked at. I thank the White House for helping us on that—or trying to help. There are those who think it is the most important issue around, and I have an empathy with them.

I call on them to apply their thought process in the next few months. The bill will die if we do not inject life into it. With it will go whatever protections the MTBE industry got in this bill. Maybe that is the way we can look at it when we come back and try to figure out a way to take a frontal attack on that issue. Who knows, there might be enough Senators who may want to take a look at that bill just on that point alone.

I close now by thanking Senators who worked very hard on the bill. It is as difficult an undertaking as you can have. I decided to do that after years on the budget, and it is much more difficult than writing the budget for the United States. We did it, but in a sense we are two votes short. The rule is it requires 50 votes for adoption, but we did not have enough for a filibuster, which would require 60.

So with that, I yield the floor and thank the Senate for listening.

The PRESIDING OFFICER. The Senator from Pennsylvania.

ACCOMPLISHMENTS THIS YEAR

Mr. SANTORUM. Mr. President, I commend the chairman of the Energy Committee and the Senator from Idaho

for their fine work on the Energy bill. While we are not going to get that bill passed before we leave for the holiday break, it is something that I know the Senator from New Mexico and the Senator from Idaho and others are going to work on and diligently try to accomplish for the reasons they outlined.

Mr. President, I wanted to run down and put into the RECORD a summary of some of the things we have been able to accomplish this year.

We go out on the accomplishment of delivering to the American people what has been asked now for several years by our seniors, and not just by seniors but by the children of seniors and the grandchildren of seniors, who see the fiscal strains that have been put on their parents and grandparents as a result of, in many cases, not having prescription drug coverage or having prescription drug coverage that is very expensive. Particularly for lower-income individuals, it can be quite a drain on their resources, as well as diminishing their quality of life in their senior years.

So we go out on somewhat of a high here. And as it should be, because we have accomplished a lot this year.

If you go back to when this session started, and the Senator from Tennessee became the majority leader in the transfer of power, if you will, here in the Senate, the first thing he said we would do was clean up the mess that did not get accomplished last year.

We had no budget last year, which meant we could not really pass any of our appropriations bills. The Government spending was locked into last year's level, and we did not have a whole lot of new initiatives at the time, when we were looking at a whole new Department of Homeland Security, a war on terror, and a war on the horizon in Iraq.

There was a lot of uncertainty going on here, and we did not have the fiscal discipline in place to be able to get our fiscal house in order here in Washington, DC.

So the first thing we said we would do was we would clean up that mess and pass the spending bills, and fight off repeated attempts, in almost \$1 trillion in amendments on the other side, of adding spending to these appropriations bills and then subsequently to the budget that we passed after we passed the appropriations bills from the prior year.

So we passed the appropriations bills from the prior year. On top of that, we put a new budget in place, and we passed a budget. We thought that was important. Many here thought another budget could never pass in the Senate because of the practice of last year and the difficulty in trying to get a budget into the framework of seeing really slow growth compared to what we have seen in the past 7 or 8 years.

That was accomplished. It was tough, and a lot of tough votes. We were able to stand tall and fight back amend-

ments from many on the other side of the aisle. And some on the other side of the aisle joined us. I thank those Members who have stood up, just as many did today, to what appears to be, from the Democratic leadership point of view, obstructionist tactics that are used here in the Senate on almost—I almost want to go back and maybe reconsider the term “almost”—I will say almost everything, but it is almost everything to the point where you think it is everything. But we have had some cooperation from many Democrats, and certainly enough to get some of the more important bills that we considered here done. I thank those who participated in that bipartisan cooperation.

We were able to accomplish a budget. We were able to accomplish, as a result of the budget, a tax plan, again, done in a bipartisan way, here on the floor of the Senate. And the effects of that tax plan have been really some of the most startling economic news we have seen in a long time.

Just today, it was announced for the last quarter growth—which was really the first full quarter that was able to get the impact of the President's tax reduction and jobs growth proposal—we saw it now not at 7.2 percent growth but 8.2 percent growth, the best in 20 years in this country. That is an enormous feather in the cap of this administration's policy of stimulating growth in the economy by reducing taxes, particularly targeted at investors and small- and medium-sized businesses.

We were able to accomplish that because we had a budget we passed in the Senate that allowed for a tax reduction that has been put in place. As a result of that tax reduction, which in part was reducing capital gains tax, but also reducing the double taxation of dividends, it has caused a \$2 trillion increase—a \$2 trillion increase—in valuations of equities in this country. That is an enormous turnaround.

I was watching the news this morning, and someone was talking about their retirement savings having been eroded, and the impact on seniors, and the impact on those who are approaching those seniors years and their ability to have a stable retirement. When you add \$2 trillion back to the value of those equities, you do a lot to stabilize people's retirement and give them the peace of mind they are going to be able to get through their retirement years with a fair—hopefully, good—standard of living.

That was as a result of the budget, the leadership here in the Senate and of the Senate Republicans, and ultimately the tax reduction that was passed as a result of the great leadership of our President.

We were able to provide resources for, obviously, the war on terrorism and homeland security, which is a new appropriation. The Senator from Mississippi, Mr. COCHRAN, who chairs that subcommittee, was just in the Chamber. We passed that bill in a timely

fashion so those increased resources would go out to help fight the war on terrorism here at home, as well as, obviously, provide resources we need for our men and women in uniform in Afghanistan and in Iraq to fight the battle on terrorism on the front line over in the Middle East.

Another historic accomplishment of this Congress, which is yet to be fully realized is the AIDS bill. We were able to pass a bill that authorized money for AIDS. And now we are talking about fulfilling that promise to come up with the money that was in the authorization to fund AIDS in Africa and several countries in the Caribbean that are faced with outrageous, just absolutely incredible suffering and the destruction of the family unit in those countries, with infection rates of double digits in the country, with literally millions of people infected with this disease, and transmitting it, in some cases, to their children.

We need to do something about prevention, and we need to do something about the transmission of AIDS. We also need to do something about treatment. With the appropriations bill that is now going to be filed in the House in about an hour and 20 minutes, we will have the President's AIDS proposal fully funded: \$2 billion in bilateral aid and \$400 million to meet our obligations under the Global Fund—for every \$1 we put up, \$2 of international funds. And \$400 million will meet that obligation as of this time.

We will have in place the commitment we made to those less fortunate in Africa and in the Caribbean for the needed help on prevention, transmission, and treatment of those who are suffering with AIDS or hopefully will not get AIDS. That is a huge accomplishment for this Senate. Candidly, it is probably one of most important things we can do for humanitarian relief. If you look back in history, there really isn't a humanitarian crisis, a health crisis that will match what is going on today in Africa and sub-Saharan Africa. I am glad to be part of a Senate which on a bipartisan fashion stood up and made a huge financial commitment. It is not an easy thing to do in a country that feels a lot of suffering here at home and wants more resources directed here at home, to be able to set that money aside for those who are literally dying by the thousands each day from this pandemic that has struck sub-Saharan Africa. The commitment of the President, followed up by the commitment here in the Congress, is something of which we should all be very proud.

We passed the partial-birth abortion act. We are stopping this horrendous procedure from occurring anymore. There are those who are taking that bill to court. We expected that, but the Senate, with the President's leadership, has been able to pass this bill that is overwhelmingly supported by the American public and is a real step in the right direction. We haven't had

very many steps in the right direction with respect to this culture in America. This is a step in the right direction to put some humanity back in the treatment of those innocent children in the womb.

We passed some antispy legislation. As someone who has young kids and is bombarded daily with e-mails of not the most wholesome nature, pop-up ads and the like, this is a tool we can give to authorities to try to limit the amount of that kind of information falling into the homes of families. It is a very serious problem to have this wonderful tool of the Internet be infected by this disease of pornography and violence and other things that are marketed to our children through e-mails and through other types of advertising. The Senate has begun the slow process. It will be a slow process, as maybe it should be, because we have to balance the rights of free speech. Freedom is something that needs to be used responsibly. No one who wrote the founding documents of this country believed freedom to be an absolute. With rights come responsibilities. That freedom, more properly defined as liberty, is a balancing of those rights and responsibilities. We need to seek to do that in the case of the Internet, which I find to be a wonderful tool but at the same time a very dangerous vehicle for information to flow to people who may not handle it well and may be scarred or changed for life as a result of some of this activity.

As I went down that list, I think you can see it is a list of great accomplishment. Yet at the same time there is so much left to be done and so much that was blocked by the other side. So when you hear, as you will hear, the term "obstructionism" about things that could have been—the Senator from Idaho is here and talked eloquently about the Energy bill—could have been, should have been, but for the procedural tactics of raising the requirement to pass this bill by 60 votes instead of an up-or-down vote of 51. That is their right to do. But as the Senator from Idaho and the Senator from New Mexico said earlier, it is going to have severe consequences for the long-term future of our economy.

Energy is not something you turn off and on like we do the stove or the thermostat. It is something that takes a long time to be developed. It takes investment, a lot of people, a lot of steps in the process, as it should, even environmental steps in the process to be able to extract the resources we need. We are not moving in that direction. We are not moving toward energy independence. For a country that is as much dependent upon cheap energy as this country and this economy are, to continue to turn a blind eye towards the needs of our economy and the impact on the quality of life here is a very dangerous thing.

Again, I suggest while I understand the rights of the minority, we need to find a way to get the 60 votes necessary

to get this piece of legislation moved forward for our children and for our future economy.

We have the omnibus appropriations bill. One of the victories was the AIDS authorization bill we were able to pass. But more candidly, the most important thing is funding that program. There are a whole host of things: An increase in VA health care, which is in the omnibus appropriations bill, an increase in NIH funding is in the Labor-HHS. There are so many important priorities in this bill. Yet we have been told we are just not going to be able to get to it until January. I know the leader later is going to ask unanimous consent to bring up this bill when the House passes it. The House will pass it first, as it does customarily with appropriations bills. They are coming back December 8. We hope to reconvene the Senate shortly thereafter to bring up this legislation so we can pass it here. Why? Well, because if we don't pass it, those increases in VA health care funding, those increases in AIDS funding, those increases in NIH, and a whole host of other things in this bill simply will not go into effect until at the earliest the end of January.

If you are for those increases and you are for the realignment of budget priorities in these appropriations bills, we should take a little time out of our break, come back here for a day. We will have had several weeks to look at this. The bill will be filed in an hour and 10 minutes. Take a look at it. If you have problems with it, you certainly have the opportunity to voice that opposition and vote no. But that is going to be the up-or-down vote we are going to have. We should take the opportunity to come back and do it in a timely fashion. We have been told by the other side they will object to us coming back. So this bill will sit there for roughly 2 months with a variety of different spending priorities many people in this Chamber agree with and that the American public has asked us for, including increased funding for education, DC choice, allowing students in the District of Columbia to have the opportunity to go to the schools of their choosing. All of those things will be in this bill, and we will not be able to have a vote because of the power—it is a wonderful thing when you are the minority—of individual Senators to stop things from happening. That is another obstruction.

We spent 3 days here on the floor of the Senate 10 days ago, 12 days ago, debating the issue of judges. Here we are again. We have six qualified, terrific nominees—not turkeys, not lemons, not neanderthals. Those were words used here in the Senate to refer to distinguished people who are judges in their own right today, justices of supreme courts today, reelected by overwhelming numbers in their home States, gone through the ABA approval process and were considered to be either qualified or unanimously well

qualified. These folks were referred to by the people here in the Senate as neanderthals, as lemons, and in some respects as turkeys.

I can understand where there may be a difference as to the qualifications of these judges. They have every right to suggest their deficiencies. But to use that kind of terminology to describe people of distinguished legal records and careers calls into question the propriety of the Senators' remarks and whether they don't in fact meet the standard of what is referred to as rule XIX. Rule IX refers to a Senator. I don't think we should be able to refer to nominees, who put themselves out to serve the public, in a way that is as callous and cavalier and disrespectful as that.

So I suggest that there is another area of obstructionism—changing the rules. For 214 years, the rule was that every judicial nomination that came to the Senate floor got an up-or-down vote. Since we put the filibuster in place in the early 1930s, 2,370 nominees have come to the floor of the Senate, and zero were filibustered. None. None were blocked.

Now, there are several on that side of the aisle who have taken to putting a chart up that shows 168 to 6, as if 6 is somehow a good number out of 174, when zero out of 2,370 was the norm. I think the Senator from Georgia, SAXBY CHAMBLISS, suggested the right answer to that. They said they were doing a great job in approving them 95 percent of the time. The Senator from Georgia suggested that if he went home to his wife and said he was faithful to her 95 percent of the time, that would not be adequate in her eyes. It is not adequate, when the Constitution requires an up-or-down vote, for those people who believe in the sanctity of that Constitution to say we are upholding it 95 percent of the time. But that is what is happening on judicial nominations, and it is another case of obstruction.

Mr. SESSIONS. Will the Senator yield?

Mr. SANTORUM. I am happy to yield for a question.

Mr. SESSIONS. Mr. President, during the debate on the judges, the opponents, the Democrats who were obstructing an up-or-down vote, asserted that these judges were "extreme," and they repeated that. They used that word repeatedly. They really cited no specific reason they were extreme. I ask the Senator from Pennsylvania, who has been so eloquent on this issue, how he can explain, in light of the groups we now know are opposing these nominees, who are extreme? I think we can demonstrate, without any doubt, these nominees, such as Janice Rogers Brown of California, who got 76 percent of the vote, and Judge Priscilla Owen, who got 84 percent of the vote are not extreme. Is the Senator from Pennsylvania aware that among the groups blocking these judges, and actually appearing to pull the strings of Members of the Senate, they have views on their Web sites?

For example, they say there should be no pornography laws, even child pornography. They oppose any change in abortion whatsoever, even partial-birth abortion, which 84 percent of the American people believe ought to be dealt with. Some of them believe in legalization of drugs. I ask the Senator, who is extreme here?

Mr. SANTORUM. Obviously, by definition, a Republican who gets 76 percent of the vote in a State such as California cannot be extreme. Certainly, if they are extreme in the State of California, the only chance I would think in my mind that someone could get that high a vote is if they were extremely liberal. California, let's admit, is a fairly liberal State. It is a very heavily Democratic State. So for a Republican "extremist" in California to get 76 percent of the vote—I don't think Republican extremists can get 76 percent of the vote in a State such as California. I argue that, by definition, that doesn't wash.

The fact is, what the Senator said is true. When you have these organizations who, in these memos that have leaked out, are sort of giving marching orders to Members of the Senate Judiciary Committee on the Democratic side as to what nominees to hold—and some use the term, referring to Miguel Estrada who was nominated for the second highest court in the land—a great rags-to-riches story of a Hispanic immigrant to this country—that he was "dangerous" or a "threat." It was one of those terms. He is a real threat. Why? Because he is a superior intellect? Because he has tremendous qualifications? No, because he is Latino and we cannot have that.

Mr. SESSIONS. If the Senator will yield, does he think it is possible they saw Miguel Estrada as a threat because he is a brilliant mainstream lawyer, a Hispanic, who would make a highly qualified appointment to the Supreme Court?

Mr. SANTORUM. That is exactly what they said. He is all of the things I talked about—highly qualified, very bright, and a great story of integrity and overcoming obstacles. It is a compelling story. As a result of his ethnicity, he would be a threat because he might be elevated to a higher court someday.

This is the kind of activity I think really does debase this institution. We should not be involved in blocking people who, 10 years ago, would have probably not even required a vote on the floor of the Senate to be confirmed. We have gotten to the point where the special interests—you hear so much on the Medicare bill about the special interests that were involved in the Medicare bill. I cannot think of any area where special interests have had more impact that has been contrary to the interests of ordinary citizens in America than what we have seen by the special interests on this judge debate. These organizations support the things the Senator from Alabama just talked about. But

they were also the ones supporting the complete removal of God, or any hint of God, in the public square, whether it is in Alabama or in the Pledge of Allegiance out in the Ninth Circuit.

The people who made this decision in the Ninth Circuit to strike "under God" from the Pledge of Allegiance—do you think they were nominees who would be considered to be out of the mainstream that President Bush supported or nominated? No. They are nominees of, primarily, President Clinton, who views the Constitution as a document to be ignored, a nice little piece of antiquity that they might want to look to see if it suits their purpose. But if it doesn't, we will set it aside and do what we think is right. That is what they do on a regular basis. It is called activist judges who believe we are a government of men, not laws. That is what many on the other side—particularly members of the Judiciary Committee—would love to see. They don't want judges who take the Constitution and the words in it seriously and feel bound by them. So we had a huge debate.

I think it was an important debate for the Senate on that important issue, and a related issue. There are several issues percolating in the Senate to do something about the huge cost of litigation to our economy—whether it is asbestos litigation, on which there have been tens of thousands of cases filed by people who have been "exposed" to asbestos. In the vast majority of the cases, the people who have filed the case, the plaintiffs, are not sick and have no indication that they ever will be sick. But they have been "exposed." They are clogging the courts, consuming huge amounts of resources. I hear colleagues on both sides of the aisle complain about manufacturing and the problems with manufacturing. Well, look at the asbestos liability issue, in light of what we are doing to our manufacturers. Manufacturers are going bankrupt—I won't say every day, but every week or two—because of this litigation going on. It is frivolous. The worst part is, I have people in my State who were infected and have asbestosis, mesothelioma. It is a disease that comes with exposure to asbestos, and a respiratory disease. These people are sick and they are dying and they are not able to get a proper jury award. In fact, they have gotten their awards and it is pennies. The money was eaten up by the trial lawyers. It is a horrible situation.

We need to get the people who are sick the compensation for their disease and the treatment for their disease, and those who are not sick, they need to be set aside. If they get sick, they will be compensated, but we are all exposed to lots of dangerous things in our lives. That doesn't mean you can sue for them. Only if it causes you harm should you be able to sue. That is another area again being blocked.

Class action: I see the Senator from Delaware, Mr. CARPER, here, who is one

of the leaders in trying to get a bipartisan bill together. I give him a lot of credit. It is another attempt like we did with Medicare, on which he was involved, trying to bring the sides together. So far, we have not been able to get to that 60-vote threshold. We need to get that bill done to try to help our economy move forward.

Medical liability, frivolous lawsuits: Again, this is plaguing the system when it comes to health care, driving up our cost of pharmaceuticals and of health care. In Pennsylvania, our doctors are moving to Delaware, moving to other places where the laws are more beneficial, where the legislatures have put caps in place to try to limit the amount of cases where runaway juries end up bankrupting the health care system.

That is another area where we have been blocked over and over.

Another area we have been blocked, something on which I have been working, is assistance to the poor. We are trying to pass a charitable giving bill, a bill in which I have been involved. We are talking about giving \$10 billion over the next 2 years in incentives for people to give more money to charities at a time when we are still not completely out of the recession that hit us in 2001 and 2002.

Again, we have not been able to get the cooperation necessary to get a bipartisan bill to help social service providers, to help nonprofit groups meet the humanitarian needs of people.

I can go on. The bioshield bill is being blocked. There are a lot of other issues on which we are being obstructed. I wanted to balance the accomplishments we have been able to achieve in the Senate and this Congress, and they have been substantial. We have a lot to go back home and talk about as to what we have been able to work out in a bipartisan way in the Senate, but there is still a lot of work to be done that the House has accomplished and that is sitting in the Senate not being done. It is very important to our economy and very important to the future of our country.

One further comment. The Senator from Idaho has been very patient. I don't know if the Senator from Idaho or the leader is going to propound momentarily a unanimous consent request to vote on a resolution. This is a resolution having to do with marriage.

As my colleagues know, the Massachusetts Supreme Court handed down a 4-to-3 decision that said there is now a constitutional right in the State of Massachusetts to same-sex marriage, which is a remarkable turn of events, within a few months of a case in the U.S. Supreme Court, the *Lawrence v. Texas* case, which took an act—which for 214 years in many States has been seen as an illegal act and in the vast majority of the American public's mind certainly not a moral act—an act of sodomy and turned that act into a constitutional right. That is what the Court did. It turned this act that is

considered by many to be illegal in States and, by most Americans, immoral with no tradition of acceptance of the history of the United States since our Constitution was written. They have taken that act and turned that into a constitutionally protected act.

Many of us said there would be consequences for doing so. When we said that, we thought it would be years down the line. It has not taken years; it has taken a matter of a few months for the Massachusetts Supreme Court to cite *Lawrence v. Texas* and say now that this is a constitutionally protected right to engage in this behavior, how can we discriminate two people who engage in this behavior under the equal protection clause, to protect everybody equally, how can we discriminate against these people who are practicing a constitutional right under the rights and privileges of marriage? It would be unequal treatment if we didn't treat these constitutionally protected actions the same way as we treat traditional marriage.

I suggested before *Lawrence v. Texas* was decided that if it was decided in the way it was, we would be heading down a slippery slope. I was wrong. We are heading off a cliff. This is not a slippery slope; it is a cliff.

If we do not respond to this decision, other States will be forced to accept the dictates of the Massachusetts Supreme Court—the court of appeals in this case. A couple can go to Massachusetts, get married, come back to Pennsylvania, Idaho, Alabama, or Delaware, and say: I demand under the full faith and credit clause of the Constitution that you recognize this marriage.

What is the State to do, because the Constitution demands it. So we are in a situation where de facto, we could have that policy of Massachusetts by an unelected group of judges, by a vote of 4 to 3 being forced on the entire country unless we do something in the Senate to act. That is a constitutional amendment which defines marriage and describes it in the Constitution.

I happen to think we put a lot in the Constitution that are building blocks of society, certain freedoms, certain truths that we establish in the Constitution. I cannot imagine anything more fundamentally important to the stability of our society than having stable families in which to raise stable children, and anything that undermines that, to me, undermines the core of who we are as Americans.

We will ask for a vote on the resolution. I ask unanimous consent to print the resolution in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, marriage is a fundamental social institution that has been tested and reaffirmed over thousands of years; and

Whereas, historically marriage has been reflected in our law and the law of all jurisdictions in the United States as the union of

a man and a woman, and the everyday meaning of marriage and the legal meaning of marriage as defined in Black's Law Dictionary is "the legal union of a man and a woman as husband and wife;" and

Whereas, families consisting of the legal union of one man and one woman for the purpose of bearing and raising children remains the basic unit of our civil society; and

Whereas, in *Goodridge v. Department of Public Health*, the Supreme Judicial Court of Massachusetts ruled four to three that the Constitution of the Commonwealth of Massachusetts prohibits the denial of the issuance of marriage licenses to same-sex couples; and

Whereas, the power to regulate marriage lies with the legislature and not with the judiciary and the Constitution of the Commonwealth of Massachusetts specifically states that the judiciary "shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men;" and

Whereas, in 1996, Congress overwhelmingly passed, and President Bill Clinton signed, the Defense of Marriage Act under which Congress exercised its rights under the Effects Clause of Article IV Section 1 of the United States Constitution: Now, therefore, be it.

Resolved, That it is the Sense of the Senate—

(1) That marriage in the United States shall consist only of the union of one man and one woman; and that same-sex marriage is not a right, fundamental or otherwise, recognized in this country; and that neither the United States Constitution nor any Federal law shall be construed to require that marital status or legal incidents thereof be conferred upon unmarried couples or groups; and

(2) The Defense of Marriage Act is a proper and constitutional exercise of Congress's powers under the Effects Clause of Article IV Section 1 and that no State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such State, territory, possession, or tribe, or a right or claim arising from such relationship.

Mr. SANTORUM. Mr. President, I won't read the whereases, but I will read the resolved clause:

... it is the sense of the Senate—

(1) That marriage in the United States shall consist only of the union of one man and one woman; and that same-sex marriage is not a right, fundamental or otherwise, recognized in this country; and that neither the United States Constitution nor any federal law shall be construed to require that marital status or legal incidents thereof be conferred upon unmarried couples or groups.

...

Second, because we already passed a statute in the Congress that accomplishes pretty much what I just read—it was the Defense of Marriage Act, supported by 90-some Senators and signed by President Clinton. The resolution says:

(2) The Defense of Marriage Act is a proper and constitutional exercise of Congress's powers under the Effects Clause of Article IV Section 1 and that no state, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other state, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage

under the laws of such state, territory, possession, or tribe, or a right or claim arising from such relationship.

In other words, we are going to go back on record in the sense of the Senate—as a precursor, hopefully, to a more full debate—that no State should be forced to adopt the marriage laws of another State such as Massachusetts. It should be, as this constitutional amendment which I will advocate will be, the people's decision. If the people decide, by constitutional amendment or otherwise, we are going to change what marriage is, I will fight against that, but I will respect that decision because that is the way we decide issues in America.

What I am concerned about is that the Commonwealth of Massachusetts and their courts are going to create a new constitutional right; they are going to change the Constitution without going through the rigors of what the Constitution demands for change, and that is a constitutional amendment.

So we will take up that mantle. We will do it the right way. We will try to change the Constitution in the way the Framers intended, not the way it has been practiced recently with the courts taking on that mantle themselves and changing it without the benefit of having any public input on the process.

We will offer an amendment to get the constitutional majority that is necessary to pass it, which is two-thirds of the Members of this body and of the House, and then three-quarters of the States through their legislature, representing the people in those States, to ratify this amendment.

I believe this is a fundamentally important issue, one I guarantee we will be discussing at length next year, and I hope the American public will begin to engage in this debate, not as an attempt to stop anybody from doing anything but as an attempt to solidify what is the basic building block of our society.

This is not being done as against anybody. It is being done for something that we know has intrinsic value and good and is a stabilizing and important element of any successful society, and that is healthy stable families in which children can be raised in that environment, so we can raise the leaders of the next generation.

This is an important debate. I hope we will not be obstructed. I hope we will have an opportunity to have a full and fair debate on this issue, that the public will have an opportunity to see the Senate at its finest on an issue that I believe is at the core of who we are as Americans.

I thank the Senator from Idaho for his indulgence in listening to me go on for a while, as well as the Senator from Delaware, although he had to indulge less than the Senator from Idaho.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I was pleased to sit and wait and listen to

the Senator from Pennsylvania. I appreciate his leadership and the accomplishments he has helped guide us through this past year in the first session of the 108th Congress. They are many, and there are yet many to accomplish.

Yes, we have had substantial obstructionism on the part of our colleagues on the other side. Why? It is politics to them in many instances. They see those as defining lines between their party and ours. I do not think objecting to or obstructing judges is that. I think it is an act that is unconstitutional in its character. I think it is now broaching on a constitutional crisis in our country to suggest that it takes a supermajority when any one individual decides to confirm or at least bring to the floor the vote of a judge.

NOVEMBER, NATIONAL ADOPTION MONTH

Mr. CRAIG. Mr. President, the Senator from Pennsylvania was talking about marriage. I come to the floor to talk about families for just a moment, and I will be brief. The Senator from Delaware has been waiting patiently also.

This is November. This is the month of Thanksgiving. Hopefully, most of us are a few days away from the opportunity and the privilege to go home and sit down with our families and have a Thanksgiving dinner of some proportion; most importantly, to be with our families. That is what this country is all about and certainly that is what Thanksgiving is all about.

November is, in my opinion, another special month. For the last month, I have been wearing on my lapel—and I do not have it on today—a little gold word that says “adopt.” November is National Adoption Month. I am a proud parent of three adopted children. I am going home to be with them and our grandchildren for Thanksgiving. We have three children and seven grandchildren now. My wife Suzanne and I are tremendously proud of that.

I became a father through adoption. Well, this month of November is National Adoption Month. It is a time to celebrate special families, the families of more than 2 million children in America who are adopted, according to the U.S. Census Bureau. In fact, it is estimated that more than half of the population of America has been personally touched by adoption, whether they are adopted or have adopted or have a close friend or family member who is adopted or has adopted. In other words, many of us have said adoption is a phenomenally viable option when it comes to forming a family.

Just this past week, we added to those numbers. November 22, this last Saturday, was the fourth annual National Adoption Day. On that day, the courtrooms of the Nation, where volunteers helped, over 3,000 children found permanent, loving homes and new par-

ents through the adoption system of our country. Think what this Thanksgiving is going to be to those 3,000 children who will now sit down at a table to have Thanksgiving dinner with new parents who are offering them permanent love and stability in their life.

While this is wonderful news, there are still far too many children waiting for permanent, safe, and loving homes. Our foster care system provides temporary care for more than 580,000 oftentimes abused and neglected children. Among those children, 126,000 of them are waiting for adoption. For anybody who reads this RECORD or might be watching at the moment, listen up. There are 126,000 kids in America who would love to have one of you as their parent, their mother or their father, who would love to have you offer them a permanent and loving home.

Sadly, every year 25,000 children age out of foster care. What does that mean? They become 18 years of age. They leave the foster care system, never having known a permanent, caring, loving home. Foster parents are caring, but it is not permanent and the child knows that. So they graduate out. They are out on the street at 18 years of age. They do not have the stability of the family unit. Seventy-plus percent of them get in trouble. Seventy-plus percent of them just cannot make it because they do not have a mom or a dad to refer back to, to help them, to give them advice. They are on their own at age 18.

I would not have wanted to be on my own at age 18. Now I might have thought I could have been. But how many times did I go home to mom and dad to ask for their advice, their help, or their counsel? Well, innumerable times.

So I hope Americans will consider opening their homes and their hearts to children through adoption. As an adoptive father, I can say this experience has changed my life, and this Thanksgiving I will be reminded of all of that when I hug those seven grandbabies and try to share a little turkey with them.

Last year, President Bush launched the first Federal adoption Website to help families connect while waiting children across America connect to them. The Web site is www.AdoptUSKids.org. Go online. Find out that you, too, can become an adoptive parent.

MARY LANDRIEU, the Senator from Louisiana, and I have cochaired the adoption caucus on the Senate side for a good number of years. We have passed a lot of laws to make adoption easier, we have provided tax credits, we have created incentives, because we want Americans to go after those 126,000 children who are not yet in permanent, loving homes.

We have also created the Congressional Coalition on Adoption. I have just stepped down as its chairman. MARY LANDRIEU has become its chairman. It is now a freestanding 501(c)(3)